

United States Court of Appeals

For The Seventh Circuit
219 South Dearborn Street
Chicago, Illinois 60604

YM
07cv6679

4/24/08

Dear Appeals Deputy,

I am enclosing a notice of appeal that was received by this court. I am enclosing this document for proper filing with your court. Please file the notice of appeal using our recieved stamp date pursuant to F.R.A.P. 4(d). Please make up and send us a short record in this case.

If you have already received this notice of appeal please disregard this document.

Sincerely,

Pro Se Clerk 2

FILED

April 10, 2008

RE: 07C6679

APR 14 2008

APR 14 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Clerk of the Appeals Court
7th Circuit Court of Appeals
219 So. Dearborn Street
Chicago, IL 60604

EMERGENCY APPEAL OF
DENIAL OF WRIT OF
HABEAS CORPUS

ON April 2, 2008, Judge Ruben Castillo, formally denied Plaintiff's ~~petition~~ petition for a writ of Habeas Corpus, in the U.S. District Court, Northern Illinois, case # 07C6679. This letter is a formal appeal of said ~~decision by honorable Judge Castillo.~~

CASE # 07C6679 is based on the Village of Bensenville using the color of law to deny basic constitutional rights to this pro-se Plaintiff. State of Illinois, County of DuPage case # 2005CM6830 was one of the nine listed cases in # 07C6679.

(next page)

Appeal Page 2

A fair trial in 2005CM6830 was denied to this pro-se Plaintiff as retribution for actions in #07C6679 and further punishment and injury was inflicted on Plaintiff by a punitive state court Judge. That state court Judge on a mistrial conviction revoked Plaintiff \$100.00 bond and has placed Plaintiff in to custody until at least April 22, 2008 from March 15, 2008. This was Plaintiff's 7th conviction ever. This and other errors listed in attached letter dated 27th March, 2008 raises questions of Fairness and retaliation in 2005CM6830 because of 07C6679.

The District Court erred by denying Plaintiff's petition without even a hearing. Plaintiff respectfully request this appeals court to protect its process and integrity in 07C6679 and direct the district court to conduct a full hearing in this matter.

William J

William Vazquez, pro-se

27 March, 2008

Honorable Ruben Castillo
Honorable Arlander Keys
219 South Dearborne Street
Chicago, illinois

Gentlemen,

RE:07-CV-6679

I am currently incarcerated in the DuPage County Jail, Wheaton, I Illinois.

On February 27, 2008 in response to a motion to dismiss from the County of DuPage, Judge Castillo granted said motion for both the Village of Bensenville and County of DuPage, I believe. Honorable Judge Castillo granted Plaintiff 30 days to file an amended complaint. An edited one count amended complaint should have been filed on March 28, 2008. 07CV6679 is based on use of the color of law to suppress constitutional protected activity by the Village of Bensenville. In 2005-2006 the Village of Bensenville has brought 9 separate criminal charges against this pro-se Plaintiff.

On March 10, 2008 a jury trial was started for DuPage case #2005CM 6830. A verdict against this pro-se defendant was entered on 15th March, 2008 and his \$100 bond was revoked. William Vazquez was placed in to custody until sentencing on April 22, 2008. William Vazquez has NO previous criminal convictions. This trial was not fair since the prosecution witnesses were allowed to discuss their testimony, in direct violation of that court's instructions since witnesses were excluded.

When William Vazquez was leaving court on March 11th he found and heard all three prosecution witnesses discussing their testimony this that case while in the court room hall way.

On March 12 2 of the Three witnesses were questioned by the judge and denied even being in close proximity to each other. Mr. Vazquez requested a review of video from said court room hall way to refute at least part of their testimony. The judge denied that request and denied a mistrial request by its own motion. This together with a host of cumulative errors - such as denial of change of venue, denial of change of judge; a hearing on disparity impact but denial of discovery for said hearing; and finally Mr. Vazquez Being arrested in the court room on charges which later were dismissed in a directed verdict, that arrest was in the presence of the current trial judge - all of these listed errors and others not listed amounted to denial of a fair trial to pro-se Mr Vazquez.

For the reasons listed above Mr. Vazquez filed a petition for

Page 2

Habeous Corpus with Judge Castillo on or about 17 March, 2008.
The status of which is unknow.

Gentlemen I believe the Settlement Conference set for 4/4/2008
should be stricken. I need your help in the situation I am
currentily in. Again the Village of Bensenville is using the
color of law to stop constitutionally protected activity.

My pray is that someone review that video and see at least the
witnesses lied to that court aboutnot being in close proxsimity.

William Vazquez, 71419
501 North County Farm Road
Wheaton, Illinois 60187

Order Form (01/2005)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ruben Castillo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6679	DATE	4/2/2008
CASE TITLE	William Vazquez vs. Village of Bensenville, et al.		

DOCKET ENTRY TEXT

Status hearing set for 4/22/2008 is vacated. The Court has received a letter from plaintiff which indicated he has been convicted and will remain incarcerated. The Court recommends that Judge Keys strike his scheduled settlement conference on 4/4/2008. Any amended complaint in this case will be due on or before 6/6/2008. ~~If plaintiff desires court appointed counsel he should file such a motion which details his current financial status.~~ Plaintiff's request for a petition for habeas corpus is denied.

Docketing to mail notices.

Courtroom Deputy
Initials:

RO

April 10, 2008

RE: 07C 6679

Clerk of the Court
7th Circuit Court of Appeals
219 South Dearborn Street
Chicago, IL 60604

Clerk of the Appeals Court,

I AM currently incarcerated in the DuPage County Jail, Wheaton, ILLINOIS. I AM Filing this EMERGENCY APPEAL pro-se. Could you please help me. I need this filed A.S.A.P. Also could you please perform the following:

- 1.) Stamp, Filed, on this appeal and Return A copy to me;
- 2.) make a copy for the appeals court, District Judge, clerk, attorney's for the defense and myself;
- 3.) Set date, if necessary, for appearance(s) for A.S.A.P.

U.S.C.A. - 7th Circuit
RECEIVED

APR 14 2008 EF

GINO J. AGNELLO
CLERK

(np) Any other thing(s) I might ~~not~~ missed

Thanks

William VAZQUEZ

Will N J

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 07 cv 6679

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

Vazquez/appellant	Village of Bensenville/appellee
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	William Vazquez	Name	Phillip A. Luetkehans
Firm	pro-se #71419	Firm	Schirott & Luetkehans
Address	Dupage - DCJ P.O. Box 957 Wheaton, IL. 60187	Address	105 East Irving Park Rd. Itasca, IL. 60143
Phone		Phone	708) 773-8500

Other Information			
District Judge	Castillo	Date Filed in District Court	12/14/07
Court Reporter	K. Fennell X-5569	Date of Judgment	4/3/08
Nature of Suit Code	440	Date of Notice of Appeal	4/14/08

COUNSEL: Appointed ☐ Retained ☐ Pro Se ☒

FEE STATUS: Paid ☐ Due ☐ IFP ☒

IFP Pending ☐ U.S. ☐ Waived ☐

Has Docketing Statement been filed with the District Court Clerk's Office? Yes ☐ No ☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted ☐ Denied ☐ Pending ☐

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ruben Castillo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6679	DATE	4/2/2008
CASE TITLE	William Vazquez vs. Village of Bensenville, et al.		

DOCKET ENTRY TEXT

Status hearing set for 4/22/2008 is vacated. The Court has received a letter from plaintiff which indicated he has been convicted and will remain incarcerated. The Court recommends that Judge Keys strike his scheduled settlement conference on 4/4/2008. Any amended complaint in this case will be due on or before 6/6/2008. If plaintiff desires court appointed counsel he should file such a motion which details his current financial status. Plaintiff's request for a petition for habeas corpus is denied.

Docketing to mail notices.

Courtroom Deputy Initials:	RO
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APPEAL, CASREF, KEYS, REOPEN

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-06679
Internal Use Only

Vazquez v. Village of Bensenville et al
Assigned to: Honorable Ruben Castillo
Demand: \$750,000
Cause: 42:1983 Civil Rights Act

Date Filed: 12/14/2007
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**William Vazquez**

represented by **William Vazquez**
#71419
Dupage - DCJ
P.O. Box 957
Wheaton, IL 60187
PRO SE

V.

Defendant**Village of Bensenville**

represented by **Phillip Anthony Luetkehans**
Schrott & Luetkehans, P.C.
105 East Irving Park Road
Itasca, IL 60143
(708) 773-8500
Email: pluetkeh@sl-atty.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Armstrong
Schrott & Luetkehans, P.C.
105 East Irving Park Road
Itasca, IL 60143
(708) 773-8500
Email: barmstro@sl-atty.com
ATTORNEY TO BE NOTICED

Robert William Funk, II
Schrott & Luetkehans, P.C.
105 East Irving Park Road
Itasca, IL 60143
(708) 773-8500
Email: rfunk@sl-atty.com

ATTORNEY TO BE NOTICED

Defendant

County of DuPage

TERMINATED: 04/04/2008

represented by **Thomas F. Downing**
DuPage County States Attorney's
Office
503 North County Farm Road
Wheaton, IL 60187
(630)407-8200
Email: tdowning@dupageco.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Francis Bruckner
DuPage County States Attorney's
Office
503 North County Farm Road
Wheaton, IL 60187
(630)407-8200
Email: paul.bruckner@dupageco.org
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/28/2007	<u>1</u>	RECEIVED Complaint and 2 copies by William Vazquez. (gmr,) (Entered: 11/29/2007)
11/28/2007	<u>2</u>	CIVIL Cover Sheet. (gmr,) (Entered: 11/29/2007)
11/28/2007	<u>3</u>	PRO SE Appearance by Plaintiff William Vazquez. (gmr,) (Entered: 11/29/2007)
11/28/2007	<u>4</u>	APPLICATION by Plaintiff William Vazquez for leave to proceed in forma pauperis. (gmr,) (Entered: 11/29/2007)
12/14/2007	<u>5</u>	MINUTE entry before Judge Ruben Castillo : After careful review, plaintiffs application to proceed in forma pauperis <u>4</u> is granted. Plaintiff should proceed with service on the named defendants. If plaintiff can not retain counsel, he should file a motion for this Court to consider appointing counsel. The Court will hold a status hearing in open court on 2/7/2008 at 9:15 a.m. Mailed notice (mb,) (Entered: 12/17/2007)
12/14/2007	<u>6</u>	COMPLAINT filed by William Vazquez; (mb,) (Entered: 12/17/2007)
12/19/2007		SUMMONS Issued: two original and two copies; two copies of the complaint; two certified copies of the minute order dated 12/14/07 to the U.S. Marshal's service as to Defendants Village of Bensenville, County of DuPage (mb,) (Entered: 12/19/2007)
01/08/2008	<u>7</u>	PROCESS RECEIPT for summons Returned Executed by the U.S. Marshal as to Village of Bensenville on 12/31/2007, answer due 1/22/2008. (tlm) (Entered: 01/11/2008)

01/21/2008	<u>8</u>	Appearance by Village of Bensenville (Luetkehans, Phillip) (Entered: 01/21/2008)
01/21/2008	<u>9</u>	Appearance by Village of Bensenville (Funk, Robert) (Entered: 01/21/2008)
01/21/2008	<u>10</u>	Appearance by Village of Bensenville (Armstrong, Brian) (Entered: 01/21/2008)
01/21/2008	<u>11</u>	MOTION by Defendant Village of Bensenville for extension of time to file answer <i>or otherwise plead</i> (Luetkehans, Phillip) (Entered: 01/21/2008)
01/21/2008	<u>12</u>	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion for extension of time to file answer <u>11</u> before Honorable Ruben Castillo on 1/29/2008 at 09:45 AM. (Luetkehans, Phillip) (Entered: 01/21/2008)
01/28/2008	<u>16</u>	SUMMONS Returned Executed by U.S. Marshals Service as to County of DuPage on 1/24/2008, answer due 2/13/2008. (rp,) (Entered: 02/01/2008)
01/29/2008	<u>13</u>	MINUTE entry before Judge Ruben Castillo :The status hearing set for 2/7/2008 will begin at 9:00 a.m. Motion hearing held on 1/29/2008. Plaintiff's oral motion for default is granted. The Court hereby enters a default against defendants Village of Bensenville and County of DuPage for failure to timely appear, answer or otherwise plead. Defendant Village of Bensenville's motion for extension of time to answer <u>11</u> is denied for failure to appear. Mailed notice (rao,) (Entered: 01/29/2008)
01/30/2008	<u>17</u>	SUM CERTAIN by William Vazquez ; Notice. (rp,) (Entered: 02/01/2008)
01/31/2008	<u>14</u>	MOTION by Defendant Village of Bensenville to set aside default (Luetkehans, Phillip) (Entered: 01/31/2008)
01/31/2008	<u>15</u>	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion to set aside default <u>14</u> before Honorable Ruben Castillo on 2/7/2008 at 09:00 AM. (Luetkehans, Phillip) (Entered: 01/31/2008)
02/07/2008	<u>18</u>	MINUTE entry before Judge Ruben Castillo :Status hearing held on 2/7/2008 and continued to 4/8/2008 at 9:00 a.m. Defendants' motion to set aside default <u>14</u> and Plaintiff's pro se motion for sum certain <u>17</u> are entered and continued to 4/8/2008 at 9:00 a.m. Mailed notice (rao,) (Entered: 02/07/2008)
02/07/2008	<u>19</u>	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Magistrate Judge Arlander Keys for the purpose of holding proceedings related to: settlement conference.(rao,)Mailed notice. (Entered: 02/07/2008)
02/13/2008	<u>20</u>	MOTION by Defendant County of DuPage to dismiss <i>Defendant, County of DuPage's, Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure</i> (Bruckner, Paul) (Entered: 02/13/2008)

		02/13/2008)
02/13/2008	21	MOTION by Defendant County of DuPage to set aside default (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	22	ATTORNEY Appearance for Defendant County of DuPage by Paul Francis Bruckner (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	23	ATTORNEY Appearance for Defendant County of DuPage by Paul Francis Bruckner (<i>Appearance by Thomas Downing</i>) (Bruckner, Paul) (Entered: 02/13/2008)
02/13/2008	24	NOTICE of Motion by Paul Francis Bruckner for presentment of motion to dismiss 20 , motion to set aside default 21 before Honorable Ruben Castillo on 2/27/2008 at 09:45 AM. (Bruckner, Paul) (Entered: 02/13/2008)
02/26/2008	25	MINUTE entry before Judge Ruben Castillo :The Court will hear Defendant, County of DuPage's motion to dismiss 20 and motion to set aside default 21 on 2/27/2008 at 9:15 AM.Mailed notice (rao,) (Entered: 02/26/2008)
02/27/2008	26	MINUTE entry before Judge Ruben Castillo: Motion hearing held on 2/27/2008. Defendant, County of DuPage's motion to set aside default 21 and Defendant, Village of Bensenville's motion to set aside default 14 are granted. The default entered against the defendants on 01/29/08 is vacated. Defendant, County of DuPage's motion to dismiss plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure 20 is granted without prejudice. The Court hereby dismisses Plaintiff's complaint without prejudice. The status hearing set for 04/08/08 at 9:00 a.m. will stand. Civil case terminated. Mailed notice (tlm) (Entered: 02/28/2008)
03/10/2008	27	MINUTE entry before Judge Ruben Castillo :Status hearing reset to 4/22/2008 at 9:45 AM. Status hearing set for 4/8/2008 is vacated.Mailed notice (rao,) (Entered: 03/10/2008)
03/14/2008	28	MINUTE entry before Judge Arlander Keys :Settlement Conference set for 4/4/2008 at 01:30 PM. All parties are to be represented at the settlement conference by an individual (other than their attorneys) with full authority to settle. The parties are to exchange (but not file) written settlement offers, copies of which are to be submitted to the court by 3/31/08. This is a requirement, not an option and no follow up calls for this information will be made by the court's staff. Failure to comply with this requirement is sanctionable. (ac,) (Entered: 03/14/2008)
03/27/2008	29	MOTION by Defendant Village of Bensenville to strike <i>Settlement Conference</i> (Luetkehans, Phillip) (Entered: 03/27/2008)
03/27/2008	30	NOTICE of Motion by Phillip Anthony Luetkehans for presentment of motion to strike 29 before Honorable Arlander Keys on 4/2/2008 at 09:00 AM. (Luetkehans, Phillip) (Entered: 03/27/2008)
04/02/2008	31	MINUTE entry before Judge Honorable Arlander Keys:Counsel for

		Defendant only appeared on Defendant Village of Bensenvilles Motion to strike Settlement Conference. The motion is granted for the reasons stated on the record. The settlement conference set before this Court for 4/4/08 is hereby stricken. All matters relating to the referral of this action having been resovled, the case is returned to the assigned judge. Judge Honorable Arlander Keys no longer referred to the case. (ac,) (Entered: 04/02/2008)
04/02/2008	32	MINUTE entry before Judge Honorable Ruben Castillo:Status hearing set for 4/22/2008 is vacated. The Court has received a letter from plaintiff which indicated he has been convicted and will remain incarcerated. The Court recommends that Judge Keys strike his scheduled settlement conference on 4/4/2008. Any amended complaint in this case will be due on or before 6/6/2008. If plaintiff desires court appointed counsel he should file such a motion which details his current financial status. Plaintiffs request for a petition for habeas corpus is denied. Mailed notice (ef,) (Entered: 04/03/2008)
04/04/2008	33	AMENDED complaint by William Vazquez against Village of Bensenville.(ef,) (Entered: 04/08/2008)
04/04/2008		(Court only) *****Case Reopened per Amended Complaint. (tlm) (Entered: 04/22/2008)
04/14/2008	36	NOTICE of emergency appeal by William Vazquez regarding orders 32 (ifp) (dj,) .(with letter from Court of Appeals) (Entered: 04/28/2008)
04/21/2008	34	ANSWER to amended complaint by Village of Bensenville(Luetkehans, Phillip) (Entered: 04/21/2008)
04/21/2008	35	NOTICE by Village of Bensenville re answer to amended complaint 34 of Filing (Luetkehans, Phillip) (Entered: 04/21/2008)
04/28/2008	37	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 04/28/2008)